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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JEFFREY ALLEN COOK,

9 Plaintiff,

10 v.

11 WASHINGTON STATE  
12 DEPARTMENT OF CORRECTIONS,  
13 MARK WENTWORTH, LEIGH  
14 GILLIVER, ERIN LYSTADT, RYAN  
HARRINGTON, JENNIFER MEYERS,  
JOAN PALMER, DEAN MASON,  
JASON BENNETT, and ROBERT  
JACKSON

Defendants.

CASE NO. 3:23-cv-5773

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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16 This matter comes before the Court on United States Magistrate Judge  
17 Michelle Peterson's Report and Recommendation ("R&R"). Dkt. No. 17. Judge  
18 Peterson recommends that this Court dismiss all Plaintiff's claims against  
19 Defendants Dean Mason, Jason Bennett, and Robert Jackson. Judge Peterson  
20 recommends dismissal because Plaintiff has failed to identify any affirmative act or  
21 omission by any of these individuals that caused him harm or any casual connection  
22 between their conduct and a constitutional violation. This is a fatal defect in his  
23 Section 1983 lawsuit.

1 No one has objected to the R&R and the time for objecting has passed. *See*  
2 *generally* Dkt. Because there were no objections, the Court may adopt the R&R if it  
3 is satisfied there are no clear errors on the face of the record. Fed. R. Civ. P.  
4 72(b) Advisory Committee's Note to 1983 Amendment. The Court agrees with Judge  
5 Peterson's reasoning that Plaintiff has failed to state a claim for relief against  
6 Mason, Bennett, and Jackson.

7 Having reviewed the R&R and the remaining record, the Court finds and  
8 ORDERS as follows:

9 (1) The Court ADOPTS the R&R. Dkt. No. 17.

10 (2) All claims against Defendants Dean Mason, Jason Bennett, and Robert  
11 Jackson are DISMISSED without prejudice.

12 (3) The Clerk is directed to send copies of this Order to the parties and to  
13 Judge Peterson.

14 Dated this 8th day of February, 2024.

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16 Jamal N. Whitehead  
17 United States District Judge  
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